

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CYNTHIA MCDANIELS,

Plaintiff,

v.

HOSPICE OF NAPA VALLEY, a
corporation; and DOES 1-50,

Defendants.

No. C 06-2558 CW

ORDER DENYING
DEFENDANT'S
MOTION TO COMPEL
ARBITRATION AND
DENYING IN PART
DEFENDANT'S
MOTION TO DISMISS

On July 19, 2006, the Court issued a tentative order denying Defendant's motion to compel arbitration and denying in part Defendant's motion to dismiss (Docket No. 14). The Court instructed Defendant that if it did not file a surreply within one week, the order would be adopted in full. Because Defendant did not file a surreply, the Court now adopts the order in full.

In that order, the Court also granted Defendant's motion to dismiss with respect to Plaintiff's Title VII claim, with leave to file an amended complaint alleging that she substantially complied with the exhaustion requirement of 42 U.S.C. § 2000e-5. Plaintiff filed an amended complaint complying with the Court's order on August 1, 2006, which Defendant answered on August 21, 2006.

1 Therefore, this case will proceed on the First Amended Complaint
2 pursuant to the schedule established in the Court's September 27,
3 2006 Case Management Order and any later extensions approved by the
4 Court.

5
6 IT IS SO ORDERED.

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8 Dated: 11/30/06



CLAUDIA WILKEN
United States District Judge